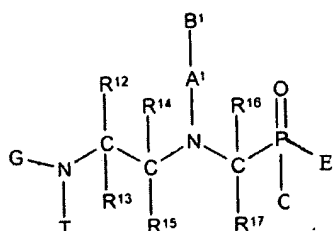


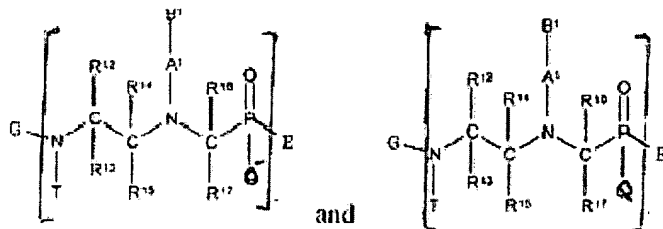
# REMARKS

Claims 108-113 are pending and directed to various compounds that function as nucleic acid analogs. Claims 108, 109, 112 and 113 have been allowed. Claims 110 and 111 remain rejected for alleged indefiniteness over their use of the term "phosphono peptide nucleic acid monomer." The Examiner has stated that amendment to incorporate structures II, III and IV on pages 20, 22 and 24 of the specification will overcome the rejection, but he disagrees that structures VIII, IX, X and XI on pages 37, 40 and 42 show additional structural components that also fall within the general definition. For the following reasons Applicants respectfully disagree.

Preliminarily, part of the misunderstanding may be attributable to an inadvertent error in the following structure presented in Applicants "Remarks" section, p. 10, of its 15 Nov. 2004 Response:



The "C" adjacent the "E" should have been an "O" or "Q", which is then perfectly consistent with structures VIII, IX, X and XI on pages 37, 40, 42 and 44. Brackets or other denoting means immediately to the right of the "G" and immediately to the left of the "E" help to further clarify what is already reasonably and implicitly clear from the specification:



In addition, the Examiner's difficulty in visualizing the monomer following subtraction of a serine from structures X and XI on pages 42 and 44 may be attributable to the fact that it is

NOT simply a serine that must be subtracted, but an entire "serine peptide nucleic acid." When this is done, there simply is no inconsistency.

The foregoing considered, the claims are therefore submitted to be reasonably clear in light of the specification and file history that define them and no further claim amendment is believed necessary. *Solomon v. Kimberly-Clark Corp.*, 216 F.3d 1372, 55 USPQ2d 1279 (Fed. Cir. 2000). However, if the Examiner be insistent, Applicants will gladly incorporate these structures verbatim into claim 110. From Applicants' perspective, it is submitted that leaving the claims the way they are would be most consistent with recently allowed continuation-in-part application, Ser. No 10/072,975, which contains the same claim term but over which no similar rejection was posited or insistence made.

Petition for One Month Extension of Time to Respond and Authorization to Debit Deposit  
Account per 37 CFR 1.136(a) and 37 CFR 1.17 (a)(1)

The undersigned hereby petitions for a one month extension of time in which to respond to the outstanding action and authorizes the PTO to debit deposit account # 502728 for the sum of \$60 and, if wrong, to credit or debit said account for any other amount that may be due or owing in connection with this matter.

**CONCLUSION**

Applicants respectfully submit that claims 108-113 are now in condition for allowance and they earnestly solicit a notice to that effect. Should any issues or questions remain, the Examiner is encouraged to telephone the undersigned at 858.485.0513 so that they may be promptly resolved without the need for an additional formal action and response thereto.

Dated:

4/25/05

Respectfully submitted,



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BioTechnology Law Group